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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,898	01/23/2004	Patrick M. Baudisch	MSFT121882	7772

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EXAMINER	
WIENER, ERIC A	

ART UNIT	PAPER NUMBER
2179	

NOTIFICATION DATE	DELIVERY MODE
07/30/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/763,898	BAUDISCH ET AL.	
	Examiner	Art Unit	
	Eric Wiener	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 April 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,7-9,11,13,14,16,20 and 21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,7-9,11,13,14,16,20 and 21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the following communications: Amendment filed on 4/30/2009.

This action is made final.

2. Claims 1 – 3, 7 – 9, 11, 13, 14, 16, 20, and 21 are pending. Claim 21 is new. Claims 1, 8, 14, and 21 are the independent claims. Claims 1, 8, and 14 are the amended claims. Claims 4 – 6, 10, 12, 15, and 17 – 19 have been cancelled. Claims 1 – 3, 7 – 9, 11, 13, 14, 16, 20, and 21 have been rejected by the Examiner.

Objections

3. Claims 1, 8, 14, and 21 each contain the same typographical error pertaining to the phrase "determining at least one additional mouse cursor *locations*." The correct grammatical wording for this language should instead recite "determining at least one additional mouse cursor *location*."

In addition, the claim language of new claim 21 of "displaying wherein the mouse cursor image displayed at each additional determined mouse cursor location on the generated mouse path between the actual current and the actual previous mouse cursor locations is an enhanced mouse cursor image on the computer display" contains various typographical errors and does not make grammatical sense.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 7, 8, 13, 14, 20, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,661,502 issued to Xuejiang Cheng.

As per independent claim 1, Xuejiang Cheng discloses *a method for enhancing a mouse cursor displayed on a computer display, the method comprising:*

- *obtaining a current mouse cursor speed* (column 4, lines 20 – 37)*;*
- *determining whether the current mouse cursor speed exceeds a predetermined threshold* (column 3, line 66 – column 4, line 10)*; and if so:*
    - *generating a mouse path between an actual current and an actual previous mouse cursor locations* (column 4, lines 15 – 54; column 5, lines 29 – 53; and Fig. 3)*;*
    - *determining at least one additional mouse cursor location on the generated mouse path between the actual current and the actual previous mouse cursor locations on the generated mouse path* (column 4, line 55 – column 5, line 9; column 5, lines 29 – 53; and Fig. 3)*,*
    - *the number of additional determined mouse cursor locations determined according to a non-linear progression of distances in relation to the current mouse speed along the generated mouse path* (column 5, lines 7 – 9)*; and*

- *displaying a mouse cursor image at each additional determined mouse cursor location on the generated mouse path in addition to displaying a mouse cursor image at the actual current and actual previous mouse cursor locations* (column 4, line 55 – column 5, line 9; column 5, lines 29 – 53; and Fig. 3), wherein, as can be seen in Fig. 3, when the speed is fast such as the lines of 302, additional cursor image locations are effectively determined and displayed in line 302a corresponding to the enhanced mouse track, because the x's representing the enhanced mouse cursor images outnumber the o's representing the regular mouse cursor images. Furthermore, as can be seen from Fig. 3, the endpoints of the "actual mouse track" correspond to the endpoints of the "corrected mouse track," wherein, for example, if one endpoint corresponds to an actual current mouse cursor location, it thus follows that the other endpoint corresponds to an actual previous mouse cursor location. Therefore, it can be seen from Fig. 3 that the least one additional determined mouse cursor locations are displayed in addition to displaying an actual current and an actual previous mouse cursor location.

As per independent claim 8, Xuejiang Cheng discloses *a method for enhancing a mouse cursor displayed on a computer display comprising: employing a processor executing computer executable instructions stored on a computer readable storage medium to implement the following acts:*

- *obtaining a current mouse cursor speed* (column 4, lines 20 – 37);

- *determining whether the current mouse cursor speed exceeds a predetermined threshold* (column 3, line 66 – column 4, line 10)*; and if so:*
    - *generating a mouse path between an actual current and an actual previous mouse cursor locations* (column 4, lines 15 – 54; column 5, lines 29 – 53; and Fig. 3)*;*
    - *determining at least one additional mouse cursor location on the generated mouse path between the actual current and the actual previous mouse cursor locations on the generated mouse path* (column 4, line 55 – column 5, line 9; column 5, lines 29 – 53; and Fig. 3)*,*
    - *wherein the number of additional determined mouse cursor locations is a function of non-linear progression of distances in relation to the current mouse speed along the generated mouse path* (column 5, lines 7 – 9)*; and*
    - *displaying a mouse cursor image at each additional determined mouse cursor location on the generated mouse path in addition to displaying a mouse cursor image at the actual current and actual previous mouse cursor locations* (column 4, line 55 – column 5, line 9; column 5, lines 29 – 53; and Fig. 3), wherein, as can be seen in Fig. 3, when the speed is fast such as the lines of 302, additional cursor image locations are effectively determined and displayed in line 302a corresponding to the enhanced mouse track, because the x's representing the enhanced mouse cursor images outnumber the o's representing the regular mouse cursor images. Furthermore, as can be seen from Fig. 3, the endpoints of the "actual mouse track" correspond to the

endpoints of the "corrected mouse track," wherein, for example, if one endpoint corresponds to an actual current mouse cursor location, it thus follows that the other endpoint corresponds to an actual previous mouse cursor location. Therefore, it can be seen from Fig. 3 that the least one additional determined mouse cursor locations are displayed in addition to displaying an actual current and an actual previous mouse cursor location.

As per independent claim 14, Xuejiang Cheng discloses *a method for enhancing a mouse cursor displayed on a computer display comprising:*

- *obtaining mouse cursor information relating to the mouse cursor during the mouse cursor's display cycle* (column 3, line 66 – column 4, line 37)*, the mouse cursor information including the mouse cursor's current speed* (column 4, lines 20 – 37)*;*
- *generating a mouse path between an actual current location of the mouse cursor and an actual previous location of the mouse cursor* (column 4, lines 15 – 54; column 5, lines 29 – 53; and Fig. 3)*;*
- *determining at least one additional mouse cursor location on the generated mouse path between the actual previous locations and the actual current mouse cursor locations on the generated mouse path* (column 4, line 55 – column 5, line 9; column 5, lines 29 – 53; and Fig. 3)*,*
- *the number of additional determined mouse cursor locations determined as a function of non-linear progression of distances in relation to the current mouse speed along the generated mouse path* (column 5, lines 7 – 9)*; and*

- *displaying a mouse cursor image at each additional determined mouse cursor location on the generated mouse path in addition to displaying a mouse cursor image at the actual current and actual previous mouse cursor locations* (column 4, line 55 – column 5, line 9; column 5, lines 29 – 53; and Fig. 3), wherein, as can be seen in Fig. 3, when the speed is fast such as the lines of 302, additional cursor image locations are effectively determined and displayed in line 302a corresponding to the enhanced mouse track, because the x's representing the enhanced mouse cursor images outnumber the o's representing the regular mouse cursor images. Furthermore, as can be seen from Fig. 3, the endpoints of the "actual mouse track" correspond to the endpoints of the "corrected mouse track," wherein, for example, if one endpoint corresponds to an actual current mouse cursor location, it thus follows that the other endpoint corresponds to an actual previous mouse cursor location. Therefore, it can be seen from Fig. 3 that the least one additional determined mouse cursor locations are displayed in addition to displaying an actual current and an actual previous mouse cursor location.

As per independent claim 21, Xuejiang Cheng discloses *a method for enhancing a mouse cursor displayed on a computer display, the method comprising:*

- *obtaining a current mouse cursor speed* (column 4, lines 20 – 37)*;*
- *determining whether the current mouse cursor speed exceeds a predetermined threshold* (column 3, line 66 – column 4, line 10)*; and if so:*

- *generating a mouse path between an actual current and an actual previous mouse cursor locations* (column 4, lines 15 – 54; column 5, lines 29 – 53; and Fig. 3)*;*
- *determining at least one additional mouse cursor location on the generated mouse path between the actual current and the actual previous mouse cursor locations on the generated mouse path* (column 4, line 55 – column 5, line 9; column 5, lines 29 – 53; and Fig. 3)*,*
- *the number of additional determined mouse cursor locations determined according to a non-linear progression of distances in relation to the current mouse speed along the generated mouse path, whereby the fewer number of mouse cursor images that are added, the greater the gap between the mouse cursor locations* (column 5, lines 7 – 9)*;*
- *displaying a mouse cursor image at each additional determined mouse cursor location on the generated mouse path in addition to displaying a mouse cursor image at the actual current and actual previous mouse cursor locations* (column 4, line 55 – column 5, line 9; column 5, lines 29 – 53; and Fig. 3), wherein, as can be seen in Fig. 3, when the speed is fast such as the lines of 302, additional cursor image locations are effectively determined and displayed in line 302a corresponding to the enhanced mouse track, because the x's representing the enhanced mouse cursor images outnumber the o's representing the regular mouse cursor images. Furthermore, as can be seen from Fig. 3, the endpoints of the "actual mouse track" correspond to the

endpoints of the "corrected mouse track," wherein, for example, if one endpoint corresponds to an actual current mouse cursor location, it thus follows that the other endpoint corresponds to an actual previous mouse cursor location. Therefore, it can be seen from Fig. 3 that the least one additional determined mouse cursor locations are displayed in addition to displaying an actual current and an actual previous mouse cursor location.

- *displaying wherein the mouse cursor image displayed at each additional determined mouse cursor location on the generated mouse path between the actual current and the actual previous mouse cursor locations is an enhanced mouse cursor image on the computer display* (column 4, line 20 – column 5, line 9 and Fig. 3), wherein the output of coordinates corresponds to displaying the mouse cursor image on a computer display at those coordinates, further wherein it has been interpreted that a cursor image is "enhanced" by allowing said image to correspond to a corrected display of its track.

As per claim 2, and taking into account the rejection of claim 1, Xuejiang Cheng further discloses that *the mouse cursor image displayed at each additional determined mouse cursor location on the generated mouse path between the actual current and the actual previous mouse cursor locations is an enhanced mouse cursor image* (column 4, line 20 – column 5, line 9 and Fig. 3), wherein the output of coordinates corresponds to displaying the mouse cursor image on a computer display at those coordinates, further wherein it has been interpreted that a cursor image is "enhanced" by allowing said image to correspond to a corrected display of its track.

As per claims 7, 13, and 20, and taking into account the rejection of claims 2, 8, and 14, respectively, Xuejiang Cheng further discloses that *the at least one additional cursor location is distributed along the mouse path in a non-linear progression according to the mouse cursor speed* (column 5, lines 7 – 9).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. *This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).*

8. Claims 3, 9, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,661,502 issued to Xuejiang Cheng in view of **JP 05073257 A** issued to Kensuke.

As per claims 3, 9, and 16, Xuejiang Cheng discloses the computer-readable medium and methods of claims 2, 8, and 14, respectively. Xuejiang Cheng does not explicitly disclose

that generating the enhanced mouse cursor comprises sizing the enhanced mouse cursor image as a function of the current mouse cursor speed.

However, in an analogous art, Kensuke discloses that generating an enhanced mouse cursor comprises *sizing an enhanced mouse cursor image as a function of the current mouse cursor speed* ([0009]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Kensuke into the method and computer-readable medium of Xuejiang Cheng to develop a method and computer-readable medium for sizing a mouse cursor in a continuous scale and immediate manner according to the current mouse cursor speed. The motivation to combine is obvious in that both inventions are for enhancing a mouse cursor. The invention of Xuejiang Cheng intends to improve use by allowing the mouse cursor to be more smoothly displayed, thus allowing a user to more easily see where the cursor is moving. Likewise, Kensuke intends to also make a cursor easier to visually recognize through smoothly changing the size of the cursor.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,661,502 issued to Xuejiang Cheng in view of "Animation: From Cartoons to the User Interface" by Bay-Wei Chang.

As per claim 11, Xuejiang Cheng discloses the computer-readable medium of claim 8. Xuejiang Cheng does not explicitly disclose generating a motion-blur effect for the mouse cursor according to the current mouse cursor speed along the generated mouse path.

However, in an analogous art, Bay-Wei Chang discloses *generating a motion-blur effect for the mouse cursor according to the current mouse cursor speed along the generated mouse*

path (pages 47 – 49, "2.1.1 Solidity: Motion blur"). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Bay-Wei Chang into the computer-readable medium of Xuejiang Cheng to develop a computer-readable medium for generating an enhanced mouse cursor comprising generating a motion-blur effect for the mouse cursor according to the current mouse cursor speed along a determined generated mouse path. The motivation to combine is obvious in that both the invention of Xuejiang Cheng and the teaching of Bay-Wei Chang are for enhancing a mouse cursor. The invention of Xuejiang Cheng intends to improve use by allowing the mouse cursor to be more smoothly displayed, thus allowing a user to more easily see where the cursor is moving. Likewise, as disclosed in the last three lines of page 53, column 1 of "Animation: From Cartoons to the User Interface," the teaching of Bay-Wei Chang intends to reduce the time it takes a user to visually comprehend an action.

Response to Arguments

10. Applicant's arguments filed on 4/30/2009 have been fully considered but they are not persuasive.

11. The Applicant has argued that "Although Cheng discloses corrected mouse coordinates in response to the inertial constant (particularly when the mouse movement is fast), there is no apparent teaching or suggestion regarding the number of additional mouse cursor locations. Cheng merely teaches smoothing the mouse movement to compensate for a fast type of mouse movement. Applicants' representative can find no mention within the reference directed to

determining the number of additional mouse cursor locations. In addition, Cheng fails to teach displaying a mouse cursor image at each additional determined mouse cursor location on the generated mouse path between the actual current and the actual previous mouse cursor locations, as recited in claim 2. Cheng would further fail to teach that the displayed mouse cursor image is an enhanced mouse cursor image."

In response to this argument, the Examiner respectfully disagrees. Please refer to the rejection of claims 1 and 2, *supra*, and further to Cheng, column 5, lines 7 – 9, which discloses that in the use of functions pertaining to mouse movement, distance between points on the lines is proportional to the speed of mouse movement, wherein the points correspond to mouse cursor locations.

In addition, please refer to Cheng, column 4, line 55 – column 5, line 9; column 5, lines 29 – 53; and Fig. 3, wherein, as can be seen in Fig. 3, when the speed is fast such as the lines of 302, additional cursor image locations are effectively determined and displayed in line 302a corresponding to the enhanced mouse track, because the x's representing the enhanced mouse cursor images outnumber the o's representing the regular mouse cursor images. Furthermore, as can be seen from Fig. 3, the endpoints of the "actual mouse track" correspond to the endpoints of the "corrected mouse track," wherein, for example, if one endpoint corresponds to an actual current mouse cursor location, it thus follows that the other endpoint corresponds to an actual previous mouse cursor location. Therefore, it can be seen from Fig. 3 that the least one additional determined mouse cursor locations are displayed in addition to displaying an actual current and an actual previous mouse cursor location.

Furthermore, in reference to the displayed mouse cursor image being an enhanced mouse cursor image, please refer to Cheng; column 4, line 20 – column 5, line 9 and Fig. 3, wherein the output of coordinates corresponds to displaying the mouse cursor image on a computer display at those coordinates, further wherein it has been interpreted that a cursor image is "enhanced" by allowing said image to correspond to a corrected display of its track.

12. The Applicant has argued that "Cheng does not teach or suggest calculating the number of additional determined mouse cursor locations determined according to a non-linear progression of distances in relation to the current mouse speed along the generated mouse path. Kensuke fails to make up for the above noted deficiencies of Cheng with respect to claims 1, 8, and 14. Kensuke is directed to magnifying the size of the mouse cursor in relation to the speed of the mouse movement. There is no teaching or suggestion to calculate the number of additional determined mouse cursor locations determined according to a non-linear progression of distances in relation to the current mouse speed along the generated mouse path. Applicants' representative can find no mention within the reference directed to determining the number of additional mouse cursor locations."

In response to this argument, the Examiner respectfully disagrees. Please refer to the Response to Arguments section 11., *supra*, wherein it is disclosed that Cheng teaches these limitations.

13. The Applicant has argued that "Cheng does not teach or suggest calculating the number of additional determined mouse cursor locations wherein the number of additional determined

mouse cursor locations is a function of non-linear progression of distances in relation to the current mouse speed along the generated mouse path. Chang fails to make up for the above noted deficiencies of Cheng with respect to claim 8. There is no teaching or suggestion to calculate the number of additional determined mouse cursor locations determined according to a non-linear progression of distances in relation to the current mouse speed along the generated mouse path. Applicants' representative can find no mention within the reference directed to determining the number of additional mouse cursor locations."

In response to this argument, the Examiner respectfully disagrees. Please refer to the Response to Arguments section 11., *supra*, wherein it is disclosed that Cheng teaches these limitations.

Conclusion

14. It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).

15. ***The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The cited documents represent the general state of the art.***

16. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric A. Wiener whose telephone number is 571-270-1401. The examiner can normally be reached on Monday through Thursday from 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Eric Wiener/

Examiner, Art Unit 2179

/Ba Huynh/

Primary Examiner, Art Unit 2179